

Lewis County – Code Amendment  
Modify Subdivision Exemption Regulations  
Planning Commission Staff Report

**ISSUE:**

Division of land that results in lots of 20 acres or more is exempt from subdivision regulations. Since the largest minimum lot size covered by zoning regulations is 80 acres, all divisions of land in which any lot of 80 acres or less is created should be included under the Lewis County Subdivision regulations. Currently, records of survey for land divisions that create lots greater than 20 acres, filed with the Auditor's office, are not reviewed for zoning compliance. This can result in a 20-acre lot, for example, in an area zoned for one residence per 80 acres, rendering it difficult or challenging for the purchaser to comply with zoning requirements and leading to disputes between the seller and purchaser. Community Development review as proposed in the code amendment will ensure that the planned division meets existing zoning requirements.

**DISCUSSION:**

To avoid creating nonconforming lots, exemptions to the Lewis County Subdivision code, based on lot size, would be increased to 80 acres for land divisions within Forest Land of Long-Term Commercial Significance (FRL) only. This increase reflects the minimum lot size requirement of the FRL zoning district, making the Title 16 exemption consistent with the zoning code.

Additionally, based on input from land division professionals, a new exemption is proposed for streamlining the transferring of conservation lots to land trusts and public agencies.

**HOW COUNTIES FULLY PLANNING UNDER GMA REGULATE LARGE LAND DIVISIONS:**

<b>County</b>	<b>Details*</b>
Whatcom	20 acres; must apply for a Certificate of Exemption
Skagit	80 acres
Snohomish	80 acres
King	40 acres; lots must meet minimum lot size for zone
Pierce	100 acres
Thurston	40 acres
Lewis	20 acres
Klickitat	80 acres
Yakima	40 acres
Kittitas	No size exemption; must comply with minimum zoning requirements
Chelan	20 acres; must apply for a Certificate of Exemption
Jefferson	40 acres; within the commercial forest district (i.e., CF-80), each lot, tract or parcel shall be at least 80 acres in size JCC 18.35.040
Mason	40 acres; 80 acres within designated long-term commercial forest land

*\* Includes exempted tract sizes and additional requirements*

**IMPACTS TO LANDOWNERS:**

Exemptions to the Lewis County Subdivision code, based on lot size, would be increased to 80 acres for land divisions within Forest Land of Long-Term Commercial Significance (FRL) only. The increase to 80 acres coupled with the addition of conservation lots to the list of exemptions would have minimal impact to land owners within FRL. Property owners have always needed to comply with zoning regulations and the potential loss of the ability to easily transfer properties to land trusts is mitigated by the addition of the conservation lot exemption.

**RESPONSE TO COMMENTS:**

**Mr. Eugene Butler** comment Planning Commission at public hearing, April 9, 2013

**Comment:** Stated he fully supports the proposed amendment to increase exempted lot sizes in Title 16

**Response:** *Proposed amendment was modified to retain the 20 acre and larger exemption but increases the exemption only within FRL zones since that is the only zone district with minimum lot sizes over 20 acres.*

**Mr. Chris Butler** comments at Planning Commission public hearing, April 9, 2013

**Comment:** Cowlitz County is a GMA county, not included in table within the staff report

**Response:** *Table only included Counties fully planning under GMA, Cowlitz County is only required to designate critical areas and resource lands under GMA (RCW 36.70A.170).*

**Comment:** Roads will be better because of PW and planning review

**Response:** *Roads only required if property owner decides to do a Large Lot Subdivision; A Simple Segregation only requires access to public road.*

**Comment:** Referenced his phone conversation with Lee Napier where he laid out the ideas of the timber companies and conservation groups.

**Response:** *Based on that conversation, the provision for "Conservation Lots was added to the proposed amendment.*

**Comment:** He does a considerable amount of work for Green Diamond Resource Company in their Mason County holdings, also a county that has different thresholds and was not included in the table.

**Response:** *Proposed amendment was modified to include provisions used in the Mason County Plats and Subdivisions code.*

**Comment:** Concerned about losing the 20 acre and larger exemption in Rural Development Districts (RDD)

**Response:** *Proposed amendment was modified to retain the 20 acre and larger exemption except within FRL zones.*

**Comment:** If 20 acre and larger lots are no longer exempt from subdivision code, those subdivision lots will become subject to the question of water rights

**Response:** *This is correct if any type subdivision is applied for except for Simple Segregations.*

**Mr. Brandon Bird** comments at Planning Commission public hearing, April 9, 2013

**Comment:** Submitted an example of the Jefferson County Land Division code specifically highlighting the division of land exemption contained in their code

**Response:** *Proposed amendment was modified to include provisions used in the Jefferson County code.*

**RECOMMENDATION:**

After careful consideration of input by the public, including land division professionals, staff modified the proposed amendment to the Subdivisions code. Using suggestions from the Public Hearing, the 20 acre exemption was retained but an exception is added for Forest Land of Long-Term Commercial Significance only, where the exemption is increased to 80 acres. Also an exemption is added for conservation lots to streamline the process for transferring those lots to registered, non-profit conservation land trust or government agencies. Staff recommends amending the Lewis County code to include proposed language as shown in the revised Attachment A.